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10/584,379

04/11/2007

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EXAMINER

WEINER, LAURA S

ART UNIT

PAPER NUMBER

1726

MAIL DATE

DELIVERY MODE

05/10/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/584,379 | Applicant(s) BEST ET AL. | |
| | Examiner /Laura S. Weiner/ | Art Unit 1726 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-4-2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 7, 12 and 19-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 13 and 18 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-23 and the elected species, a rechargeable battery comprising a cathode comprising LiCrTiO_4 , an anode comprising lithium metal and an electrolyte comprising an anion and a cation comprising a pyrrolidinium ring structure having the formula N-methyl-N-butyl-pyrrolidinium and further comprising an alkali salt in the reply filed on 10-15-2010 is acknowledged. A cathode comprising LiCrTiO_4 was found allowable so LiMn_2O_4 was searched.

2. Claims 7, 12, 19-23 and 24-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and elected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10-15-2010. Therefore claims 1-6, 8-11, 13-18 were examined.

Response to Arguments

3. Applicant's arguments filed 4-4-2011 have been fully considered but they are not persuasive. The rejection of claims 1-6, 8-11, 13, 18 under 35 U.S.C. 102(a) as being anticipated by Hollenkamp et al. (WO 2004/082059) remains because Hollenkamp et al. teaches that the cathode material can be LiMn_2O_4 which has a upper reversible-potential-limit of at most 4V as taught below by Ohzuku et al. (6,551,744) or Armand et al. (6,514,640) or Xu et al. (6,465,129).

Claim Rejections - 35 USC § 102

4. Claims 1-6, 8-11, 13, 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Hollenkamp et al. (WO 2004/082059).

Hollenkamp et al. teaches a secondary battery comprising an electrolyte comprising a pyrrolidinium based ionic liquid. Hollenkamp et al. teaches on page 3, that the electrolyte comprises a cation of Formula I where X is N and R1 and R2 is an alkyl, R3-R6 are hydrogens. Hollenkamp et al. teaches on pages 8-9, that the term “alkyl” is used to mean any straight chain alkyl group of from 1-20 carbon atoms preferably from 1-10 atoms in length and encompasses methyl, ethyl, propyl, butyl, etc. Hollenkamp et al. teaches on page 5, that the secondary lithium battery comprises a positive electrode, a negative electrode, a separator and an electrolyte. Hollenkamp et al. teaches on page 28 in Example 1, an electrolyte comprising lithium bis(trifluoromethanesulfonyl)amide in methyl butyl pyrrolidinium bis(trifluoromethanesulfonyl) amide. Hollenkamp et al. teaches on pages 11-12, that the anion can be BF₄⁻, sulfonyl amides, etc. Hollenkamp et al. teaches on page 6, that the cells were conducted at 50 degrees C and teaches on page 11, that the device can operate from -30 to 200 degrees C where higher temperature devices operate in the 40 to 150 degrees C region. Hollenkamp et al. teaches in page 32, Example 10, that the electrolyte used in Example 1 was used in a cell comprising a lithium negative electrode and a LiMn₂O₄ [voltage of less than 4 V] positive electrode.

Allowable Subject Matter

5. Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ohzuku et al. (6,551,744) teaches in column 2, lines 55-64, that it is only possible to obtain a voltage of 3 V with LiMn_2O_4 .

Armand et al. (6,514,640) teaches in column 15, lines 14-25, that a cathode material of LiMn_2O_4 , LiCoO_2 and LiNiO_2 each have a voltage of 4.0 V.

Xu et al. (6,465,129) teaches in column 2, lines 1-20, that the cathode material, LiMn_2O_4 is either in the 4V region ($x=0-1$, $\text{Li}_x\text{Mn}_2\text{O}_4$) or is in the 3V region ($x=1-2$, $\text{Li}_x\text{Mn}_2\text{O}_4$).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Laura S. Weiner/ whose telephone number is 571-272-1294. The examiner can normally be reached on M-H (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1726

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura S Weiner/
Primary Examiner
Art Unit 1726

May 8, 2011